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C O N F I D E N T I A L SOFIA 000445

SENSITIVE
SIPDIS

INL FOR ELIZABETH CARROLL
BELGRADE FOR G. BENNETT

E.O. 12958: DECL: 07/02/2028
TAGS: [PGOV](#) [PREL](#) [KCOR](#) [KCRM](#) [BU](#)
SUBJECT: MOI REFORM UPDATE AND ACTION REQUEST

REF: A. SOFIA 00303
[1](#)B. SOFIA 00301
[1](#)C. SOFIA 00293
[1](#)D. SOFIA 00248
[1](#)E. SOFIA 00229

Classified By: Charge d'Affaires Alex Karagiannis for reasons 1.5 (b) a
nd (d).

[1](#)1. (C) SUMMARY AND ACTION REQUEST: In a June 20 meeting, Deputy Interior Minister Sonya Yankulova agreed with our assessment that the draft legislative language is a problematic work in progress and that key reform questions -- including legislative the mandate and required skills of the MOI's proposed top professional, the Chief Commissioner, and the functions and autonomy of the proposed Internal Security Directorate -- remain unanswered. Yankulova said procedural problems, from collecting initial evidence to bringing cases to trial, continue to hinder the MOI's effectiveness. Yankulova does not expect the Parliament to approve all necessary legislative and constitutional changes to address chronic, systemic delays. She asked for additional U.S. assistance; we request (see para 5) one expert to advise MOI on improving the evidence collection and case development process, given likely legislative framework and political constraints. Septel will report on the continuing political and legislative turbulence surrounding MOI reform. END SUMMARY.

YANKULOVA AGREES WITH OUR ASSESSMENT

[1](#)2. (C) Following up on consultations with senior MOI officials by International Criminal Investigative Training Assistance Program (ICITAP) Senior Law Enforcement Advisor in Belgrade Gary Bennett, we met Deputy Interior Minister Sonya Yankulova June 20 to review draft MOI legislation. Yankulova concurred with our view that the MOI's proposed top professional, the Chief Commissioner, should have a defined mandate. In the face of significant political pressure, she said, the MOI had managed to retain the special investigative technique agencies DOI/DOTI within the MOI (an idea we support) by creating an autonomous agency in the current draft. (But, this is far from a done deal as there are conflicting demands from coalition partner parties on these agencies, septel.) Echoing our concern that the MOI's proposed inspections unit, the Internal Security Directorate, needs sufficient checks and balances, Yankulova noted that the unit's structure had not been determined. Yankulova also agreed with us that the complex relationships between police, doznateli (MOI police investigators who must hold a law degree) and prosecutors hamper effective investigations.

13. (SBU) Designed to protect civil liberties, current law requires doznateli to investigate crimes and prepare evidence that is admissible in court. With only 1,700 doznateli the MOI is severely understaffed. To alleviate this problem the draft allows the Interior Minister to assign investigative functions to certain police officers, with the presumption that these officers will investigate less serious crimes. The MOI is considering having police, who are often the first on the scene, review the crime scene, collect evidence and take witness statements. If police are given this extra function, however, they will need considerable training; prosecutors and judges remain skeptical that police can competently collect evidence consistent with complex Criminal Procedure Code requirements that would be admissible in Court. Acknowledging opposition in Parliament to expanding police investigative powers, Yankulova believes the MOI must build police skills to eventually convince politicians to allow them additional responsibilities. She requested U.S. support to do this.

OUR PRIORITIES

14. (SBU) Still reeling from scandal and low morale, the Interior Ministry cannot productively absorb a big influx of technical assistance in the immediate future. Nevertheless, it needs counsel to define needs. Continued U.S. and EU pressure is required to reinforce the message that Bulgaria needs more and better qualified doznateli, higher paid personnel and more clear lines of authority. We also need to support our partners in fixing the problems that are within their control and developing opportunities for cooperation among entities with overlapping responsibilities. Bulgaria has a discrete number of concentrated major centers of criminal activity, and there is potential for the MOI to leverage its doznateli strategically or cooperate with joint working groups to more effectively fight crime. We should be ready -- as the MOI's capacity allows -- to offer technical assistance focused on the complicated chain of evidence collection to trial. To this end, and as a practical, short term target, we request an expert advisor on chain of evidence best practices.

OUR REQUEST

15. (SBU) We see such a senior expert, with knowledge of the required skills, abilities, institutional capacity and best practices for effective evidence collection and pre-trial case preparation, to:

- Consult with operational managers from the major players: police, doznateli, investigators from the NIS and prosecutors.
- Review the evidence collection process at the local level, with potential visits to Plovdiv and Varna (the largest cities after Sofia).
- Outline gameplans to improve the investigative process within the likely legislative constraints.
- Determine technical assistance needs as well as potential obstacles to improvements.
- Share perspectives from U.S. and EU experience on strategies for completing initial review of crime scenes, collecting evidence and preparing witness statements.
- Upon completion of consultations, provide Post with an assessment and condensed recommendations for follow up activities, possibly highlighting structures dealing with specific types of criminal activity that need targeted assistance.

COMMENT

16. (SBU) We thank Gary Bennett for clearly framing the high-level issues that shape reform, and we hope he can stay engaged here. His continued involvement in this process would be extremely valuable. Our septel will lay out the larger strategic and tactical environment of MOI reform and

offer additional recommendations on how INL, DOJ, and FBI can best help the Bulgarians produce a more effective ministry that works well with prosecutors.
Karagiannis